

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ANDRE KITTRELL,
Plaintiff,

v.

BARRY SMITH, *et al.*,
Defendants.

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CIVIL ACTION NO. 23-CV-0811

ORDER

AND NOW, this **21st day of November 2023**, upon consideration of Defendants UPMC Altoona and Dr. Yaquob Tokhi's Motion to Dismiss (ECF No. 35),¹ it is hereby **ORDERED** that the Motion is **GRANTED**.

The Clerk of Court is instructed to terminate Defendants UPMC Altoona and Dr. Yaquob Tokhi.

BY THE COURT:

/s/ Chad F. Kenney

CHAD F. KENNEY, JUDGE

¹ Plaintiff has not filed an Opposition in Response to the Motion. Plaintiff's filing at ECF No. 46 appears to be a response to Defendants Jamie Oliver and Terri Sechrengost's (collectively "Commonwealth Defendants") Answer at ECF No. 36.